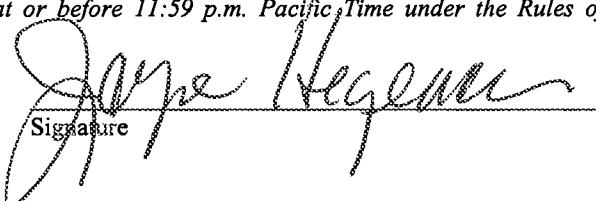


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on February 17, 2009 at or before 11:59 p.m. Pacific Time under the Rules of 37 CFR § 1.8.



The image shows a handwritten signature in black ink, which appears to read "John W. Hodge". Below the signature, the word "Signature" is printed in a small, sans-serif font.

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|-----------------|---|--|-----------------------|
| Applicant | : | Kim, Jin-Sung | Confirmation No. 8448 |
| Application No. | : | 10/718,478 | |
| Filed | : | November 18, 2003 | |
| Title | : | ELECTROLYTE FOR LITHIUM SECONDARY BATTERY AND LITHIUM SECONDARY BATTERY COMPRISING SAME | |
| Grp./Div. | : | 1795 | |
| Examiner | : | Robert W. Hodge | |
| Docket No. | : | 51545/P849 | |

APPELLANT'S REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
February 17, 2009

Commissioner:

In his answer to Applicant's Appeal Brief, the examiner appears to argue that because Hamamoto completely overlaps the claimed ranges, Hamamoto therefore describes the claimed ranges with sufficient specificity to be anticipatory. However, *Atofina v. Great Lakes Chem. Corp.*, 78 U.S.P.Q.2d 1417, 1423 (Fed. Cir. 2006) establishes that a prior art reference that completely encompasses a recited range does not necessarily disclose the recited range with sufficient specificity to be anticipatory. In *Atofina*, the prior art reference disclosed a broad temperature range of 100 to 500°C, but failed to disclose the claimed 330-450°C range with sufficient specificity to be anticipatory, even though the disclosed range completely encompassed the claimed range. *Id.* As such, that Hamamoto may completely encompass the recited ranges does not constitute a disclosure with sufficient specificity to be anticipatory. Indeed, as in *Atofina*, although Hamamoto discloses broad ranges of 0.1 to 10 wt% or from 0.01

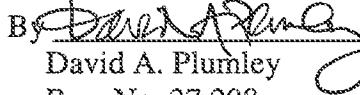
Application No. 10/718,478

to 20 wt%, Hamamoto fails to describe the recited 0.05 to 0.5 wt% range of vinyl sulfone recited in independent claims 1 and 11 or the 0.1 to 5 wt% range of the sulfone based organic compound recited in independent claim 15 with sufficient specificity to be anticipatory. As the recited range exhibits unexpected and desirable results, as discussed in Applicant's Appeal Brief, the present claims are allowable over Hamamoto.

In view of the above remarks, and those made in Applicant's Appeal Brief, applicant submits that all of the pending claims are allowable, and in condition for allowance.

Respectfully submitted,

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